

### **Remarks**

Claims 1-4, 7-26, 31-34, 36, 37, 42, 51 and 53-64 were pending in this application. Claim 57 is amended for form. Claims 51, 55, and 56 have been amended to depend from claim 1. No new matter has been entered. Applicants expressly reserve the right to pursue any cancelled subject matter in subsequent applications.

After entry of this Amendment, **claims 1-4, 7-26, 31-34, 36, 37, 42, 51 and 53-64 are pending in this application.**

### **Restriction Requirement**

Applicants elect Examiner's Group I (Claims 1-4, 7-26, 32-34, 36-37, 42, 57 and 60-64), for substantive examination.

### **Request for Rejoinder**

The Examiner has required restriction between product and process claims. Applicants have elected claims to a product (herpes simplex virus). Process claims are included in the case that depend from or otherwise include all the limitations of claims to this product. Where Applicants elect claims directed to the product, and the product claims are subsequently found allowable, withdrawn process claims that depend from or otherwise require all the limitations of the allowable product claim will be considered for rejoinder. These process claims are currently assigned to Examiner's Groups (II and III) different from the Group to which the product is assigned (I). Applicants expressly request that the process claims be rejoined and the claims examined, at the latest upon the allowance of any of the product claims. It is believed that this is in accordance with the current Patent and Trademark Office Guidelines for Restriction Requirements in TC1600.

**Conclusion**

Substantive examination of the pending claims is respectfully requested. The Examiner is invited to call the undersigned if the Examiner believes that a telephone interview would facilitate substantive examination of this application.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By /Ian J. Griswold/  
Ian J. Griswold, Ph.D.  
Registration No. 57,338